IN RE: PETITION FOR ZONING VARIANCE

ES York Road, 405 ft. +/- N of Beaver Run Lane 11015 York Road

8th Election District 3rd Councilmanic District Vernon H. Wiesand, et al Petitioner

ZONING COMMISSIONER \* OF BALTIMORE COUNTY \* CASE #89-418-A

## ORDER OF DISMISSAL

The Petitioner herein requested a Petition for a Zoning Variance from Section 238.2 for the following (a) side yard setback variance for the restaurant, (20.5 feet in lieu of the required 30 feet) (b) Side yard setback variance for the service grage (20 feet in lieu of the required 30 feet); A variance from Section 303.2 of 18 feet from proposed r/w line in lieu of required 44 feet front yard setback (average) from existing r/w line. A variance from Section 409.8(4) to allow parking 3 feet from York Road in lieu of the required 10 feet.

WHEREAS, the Petitioner requested a postponement of the original scheduled hearing dated April 26, 1989 (see letter from William P. Monk dated April 24, 1989); and,

WHEREAS, THE Petitioner has not requested the matter to be reset since that time. Therefore, due to lack of prosecution of the matter, the case is dismissed without prejudice.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore Counday of August, 1990 that the Petition for Zoning Vari-

J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: Peoples Counsel

without prejudice.

PETITION FOR ZONING VARANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 238.2 for the following: A) Side yard setback variance for the restaurant (20.5 feet in lieu of required 30 feet) B) Side yard setback variance for the service garage (20 feet in lieu of required 30 feet). A variance from Section 303.2 of 18 feet from proposed r/w line in lieu of required 44 feet front yard setback (average) from existing r/w line. A variance from Section 409.8(4) to allow parking 3 feet from York Rd in lieu of the required

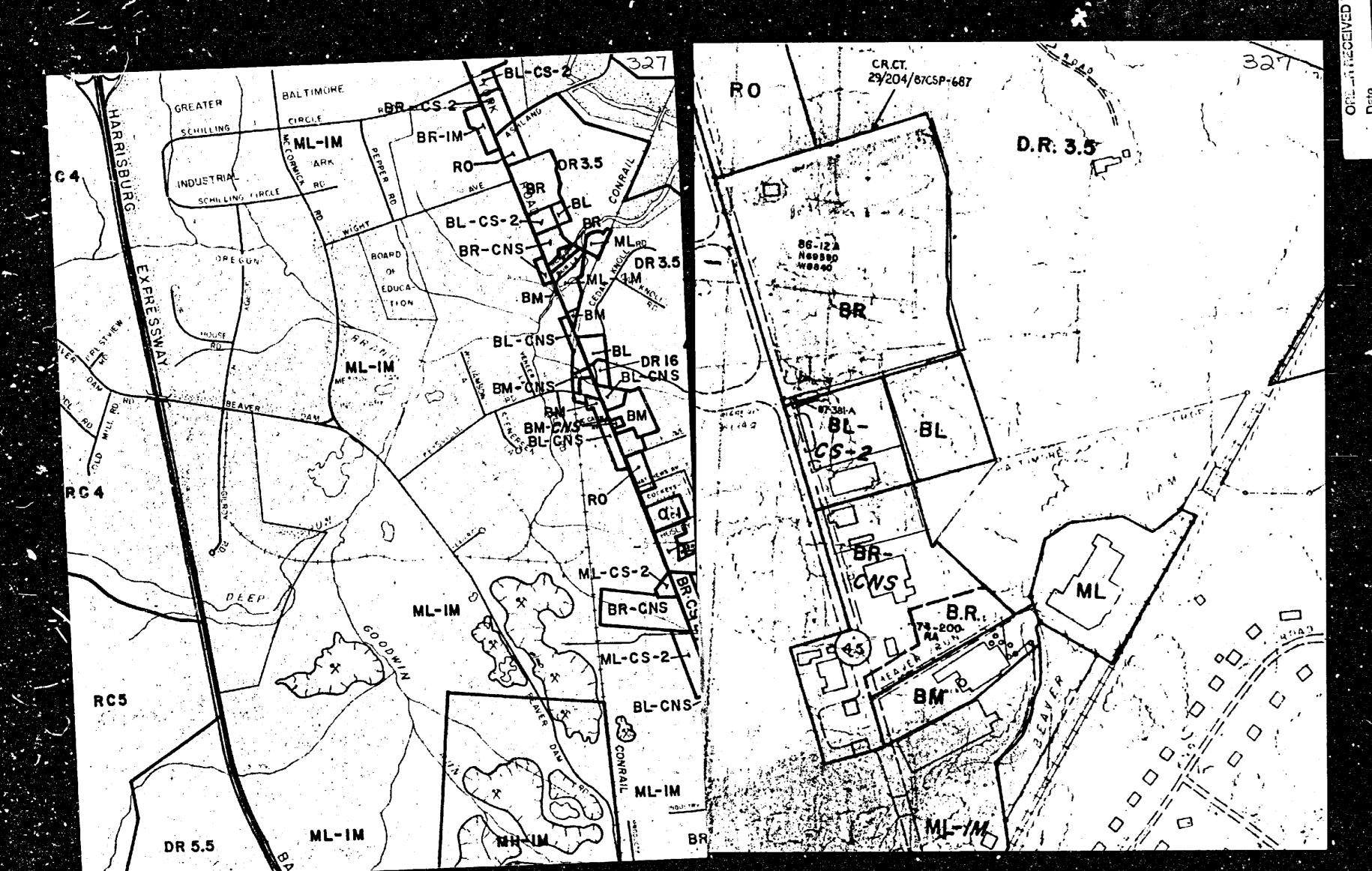
from existing r/w line. A variance from Section 409.8(4) to allow parking 3 feet from York Ro in fleu of the required of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Variances for the Restaurant are required in order to properly site the building, parking and internal automobile circulation. The proposed building location significantly reduces the level of non-conformance of the existing service garage (to be removed). Existing service garage side yard setback is 12 feet. Existing service garage front yard setback is 16.5 feet, (from existing r/w line). Variance for setback is 12 feet. Existing service garage front yard setback is needed to meet the standard building size for the facility the proposed service garage on the rear portion of the site is needed to meet the standard building size for the facility while providing for maximum consider parking and auto circulation. The variance to allow parking less than infeat from while providing for maximum consider parking and auto circulation. The variance to allow parking less than infeat from while providing for maximum on-site parking and auto circulation. The variance to allow parking less than 10feet from York Road right-of-way line is necessary, otherwise 2 additional parking spaces would be eliminated. At the same time a 10 foot (minimum) landscape strip will be maintained due to the fact that the State Highway Admin. does not propose any further widening at this time having recently completed road improvements within the existing 66 foot right-of-Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: William J. Wiesand. Jr. Type or Print Names (Type or Print Name) TDATE 6-14-91 (Type or Print Name) Attorney for Petitioner: 10 East Eager Street (Type or Print Name) Baltimore, Maryland 21202 City and State Name, address and phone number of legal owner, con-tract purchaser or representative to be contacted William P. Mook. Name 100 W. Pennsylvania Avenue, Suite 305 Towson, Maryland 21204. 494-8931... Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 

2. Robert fleeres.
Zoning Commissioner of Rabinos



ZONING DESCRIPTION FOR VARIANCE APPLICATION

Property known as: 11015 York Road, Cockeysville, MD

BEGINNING on the east side of York Road, 66 feet wide, at a distance 405 feet from the intersection of the east side of York Road, and the north side of Beaver Run Lane (20 feet wide), and running the following courses and distances:

- 1. North 12 degrees 30 minutes west 150.00 feet:
- 2. North 78 degrees 50 minutes east 248.70 feet;
- 3. South 12 degrees 42 minutes east 150.50 feet;
- 4. South 78 degrees 57 minutes west 249.20 feet to place of beginning containing 37,350 square feet in the 8th Election District.



89-418-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of **February** 

Petitioner Vernon H. Wiesend Petitioner's

Attorney

Advisory Committee

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland, 21204

Aureau of Engineering Department of Traffic Engineering

State Roads Commission Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education

Zoning Administration

Industrial

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 5, 1989

Mr. Vernon H. Wiesand

10 East Eager Street Baltimore, MD 21202

RE: Item No. 327, Case No. 89-418-A Petitioner: Vernon H. Wiesand Petition for Zoning Variance

Dear Mr. Wiesand:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zor ag action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Oyer/yw UJAMES E. DYER Zoning Plans Advisory Committee

JED:jw Enclosures

cc: Mr. William P. Monk



Maryland Department of Transportation State Highway Administration



ZONING OFFICE February 22, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

Re: Baltimore County
Roy Rogers and Service Garage Zoning meeting 2/14/89 B/S York Road MD 45 405' north of Beaver Run Lane Item #327

Dear Mr. Haines:

After reviewing the submittal of a variance for the various setbacks and to allow 52 parking spaces in lieu of the required spaces for both the restaurant and service garage, we have the

This plan must be revised to show a future 80' right-of-way (40' from the centerline of York Road).

If you have any questions, contact Larry Brocato (333-1350). Very truly yours,

Creston J. Mills, Jr.
Chief Bureau of Engineering
Access Permits

cc: Mr. Bill Monk

LB/es

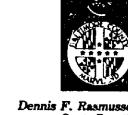
Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

March 1, 1989



Dear Mr. Haines,

Mr. J. Robert Haines

Zoning Commissioner

Towson, MD 21204

County Office Building

The Bureau of Traffic Engineering has no comments for items number 255, 318, 322, 324, 325, 326, 327, 328, & 329.

Very truly yours,

Traffic Engineer Assoc. II



ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL OTECTION AND RESOURCE MANAGEME

Zoning Commissioner Office of Planning and Zoning

County Office Building Towson, Maryland 21204

Property Owner: Vernon H. Wiesand

Location: 11015 York Road

District: 8 Water Supply: metro Sewage Disposal: metro COMMENTS ARE AS FOLLOWS:

Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins. A permit to construct from the Bureau of Quality Management is required for such items as spray paint

processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more. ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new

health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health

and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations.

For more complete information, contact the Division of Maternal and Child Health. If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

( Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior

to removal or abandonment, owner must contact the Division of Waste Management at 887-3745. ( ) Soil percolation tests, have been \_\_\_\_, must be \_\_\_\_, conducted.

( ) The results are valid until ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until

( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-\_logical and chemical water samples. ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects report must be submitted. For more information contact the Division of Environmental Management

) In order to subdivide this property, the owner or developer will be required to comply with the subdivision

regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

(V) Others <u>Drainage from interior service bays of garage is</u>

To be directed to sanitary sewer via oil separator.

MANAGEMENT

Baltimore County Fire Department Towson, Maryland 21204-2586

Paul H. Reincke

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Vermon H. Wiesand

entrance drive.

Dennis F. Rasmussen

ES York Road, 405' (+ or -) N. of Beaver Run Lane (#11015 York Road)

Zoning Agenda: 02/14/89 Gentlemen:

to be corrected or incorporated into the final plans for the property. (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 30 \( \) feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Additional fire hydrant shall be required at

Pursuant to your remest, the referenced property has been surveyed by this

Bureau and the comments below marked with an "X" are applicable and required

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department. ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines





Towson, Maryland 21204 RE: Case #89-418-A Vernon H. Weisand, et al

Dear Mr. Monk:

Suite 305

Mr. William Monk

Campbell Building

100 W. Pennsylvania Avenue

The above captioned case has remained inactive for more than seven months. It is my intention to dismiss this matter without prejudice if I do not receive a request to the contrary before February 1, 1990.

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

June 22, 1989



William Monk 100 W. Pennsylvania Avenue Suite 305 Towson, Maryland 21204

Vernon Wiesand

Re: 89-418-A

Dear Mr. Monk:

Pursuant to your letter of April 24, 1989, hearing date of the above matter was postponed "until further notice".

Starting within 10 days of the date of this letter and, monthly thereafter, this office would appreciate a short note from you advising of the status of this matter.

Thank you for your cooperation.

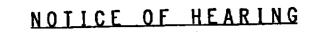
Very truly yours,

Hearing Desk

LLIAM MONK	CAMPBELL BUILDING 100 W. PENNSYLVANIA AVENUE Suite 305 TOWSON, MD 21204 301-494-8931
ID USE PLANNING AND ZONING CONSULTANT	ANNANDALE, VA 22003 ANNANDALE, VA 22003 703-750-0111
April 24, 1989  Commissioner Robert Haines Baltimore County Office Bldg.	
Towson, Maryland 21204  Dear Commissioner Haines:  On behalf of my client, Vernon Wiesand, I am requires #89-418-A, 11015 York Road, Cockeysville, Mo	
I have posted the property with the appropriate April 21, 1989.	"postponed" sign on Friday.
William P. Monk  cc: Vernon Wiesand	

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-2353 J. Robert Haines Zoning Commissioner

March 10, 1989



ZONING STREET

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 ". Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variances CASE NUBMER: 89-418-A ES York Road, 405' t N of Beaver Run Lane 11015 York Road 8th Election District - 3rd Councilmanic Petitoner(s): Vernon H. Wiesand, et al HEARING SCHEDULED: WEDNESDAY, APRIL 26, 1989 at 11:00 a.m.

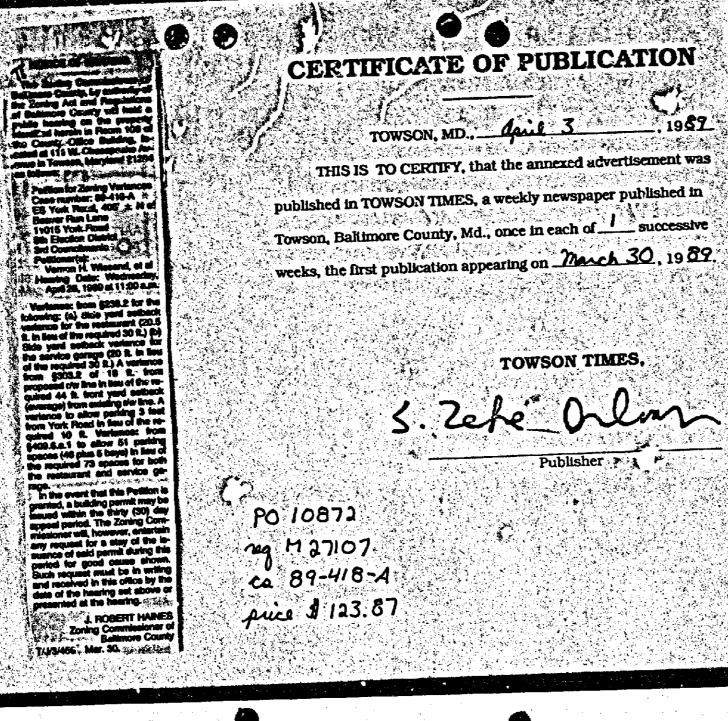
Variance from §238.2 for the following: (a) Side yard setback variance for the restaurant (20.5 ft. in lieu of the required 30 ft.) (b) Side yard setback variance for the service garage (20 ft. in lieu of the required 30 ft.). A variance from §303.2 of 18 ft. from proposed r/w line in lieu of the required 44 ft. front yard setback (average) from existing r/w line. A variance to allow parking 3 feet from York Road in lieu of the required 10 ft. Viriance from §409.6.A.1 to allow 51 parking spaces (46 plus 5 bays) in lieu of the required 73 spaces for both the restaurant and service garage.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

1. Polont flaines

cc: William J. Wiesand, Jr. William P. Monk



CERTIFICATE OF POSTING ONING DEPARTMENT OF BALTIMORE COUNTY

District 8th Vorienco - (2) H. Wierend, etal York Rd, 405' + N/Beever Ros Long Location of Signer Facility Yaxt Rdy opprox, 2' Fr. 100 dway

> VERNON H. WIESAND TEN EAST EAGER BALTIMORE, MARYLAND 21202

> > January 26,1989

Re: 11015 York Road Cockeysville, Maryland

To whom it may concern:

I am one of the titled owners of the above captioned property, the others being my wife, Shirley J. Wiesand, William J. Wiesand, Jr., and his wife, M. Marie Wiesand, and have been authorized to execute the attached petitions on their behalf.

To Wit:

STATE OF MARYLAND, BALTIMORE

I HEREBY CERTIFY, that on this 27th day of January, 1989, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore, aforesaid personally appeared Vernon H. Wiesand the above named grantor and he acknowledged the aforegoing to be his act.

AS WITNESS MY HAND AND NOTARIAL SEAL

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 494-3353

Mr. William J. Wiesand, Jr.

10 East Eager Street Baltimore, Maryland 21202

Petitions for Zoning Variances CASE NUBITEL : 89-418-A ES York Road, 405' N of Beaver Run Lane 11015 York Road Bth Election District - 3rd Councilmanic Petitoner(s): Vernon H. Wiesand, et al

HEARING SCHEDULED: NEDNESDAY, APRIL 26, 1989 at 11:00 a.m.

Please be advised that 138.87 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST F. PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

4-3-89

Dennis F. Rasmussen

J. Robert Haines J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

BALTIMORE COUNTY, MARYLAND

B 8 8 8 (5) \*\*\*\*\*\*3500:a 8223F

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

Committee of the control of the country office Building, located at 11 th. Crimapeales Available at 11 th. Crimapeales Available of the country of the count Hearing Date: Westnesday, Mark April 26, 1969 at 11:00 a.m. Variance: from \$228.2 for the following: (a) Side yerd aetheck variance for the required 30 ft.) (b) Side yard aetheck variance for the service gerage (20 ft. in lies of the required 30 ft.) A variance from \$303.2 of 18 ft. from respondent to the service gerage (20 ft.) and the required 30 ft.) A variance from \$303.2 of 18 ft. from respondent to the service gerage (20 ft.) proposed n'w line in lieu of the re-quired 44 %, front yard sotback (average) from existing rive line. A variance to acow parting 3 feet from York Road in Neu of the required 10 % Variance; from \$409.5.a.1 to allow 51 parting \$1000.6.a.1 to allow 50 parting rage. granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County T/J/3/456 Mer. 30 CERTIFICATE OF PUBLICATION

TOWSON, MD. April 3 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successi weeks, the first publication appearing on Harch 30 . 1987

S. Zefe Orlm

PO 10872 reg M 27107 ca 89-418-1 pice \$ 123.87

VERNON H. WIESAND TEN EAST EAGER BALTIMORE, MARYLAND 21202

January 26, 1989

To whom it may concern:

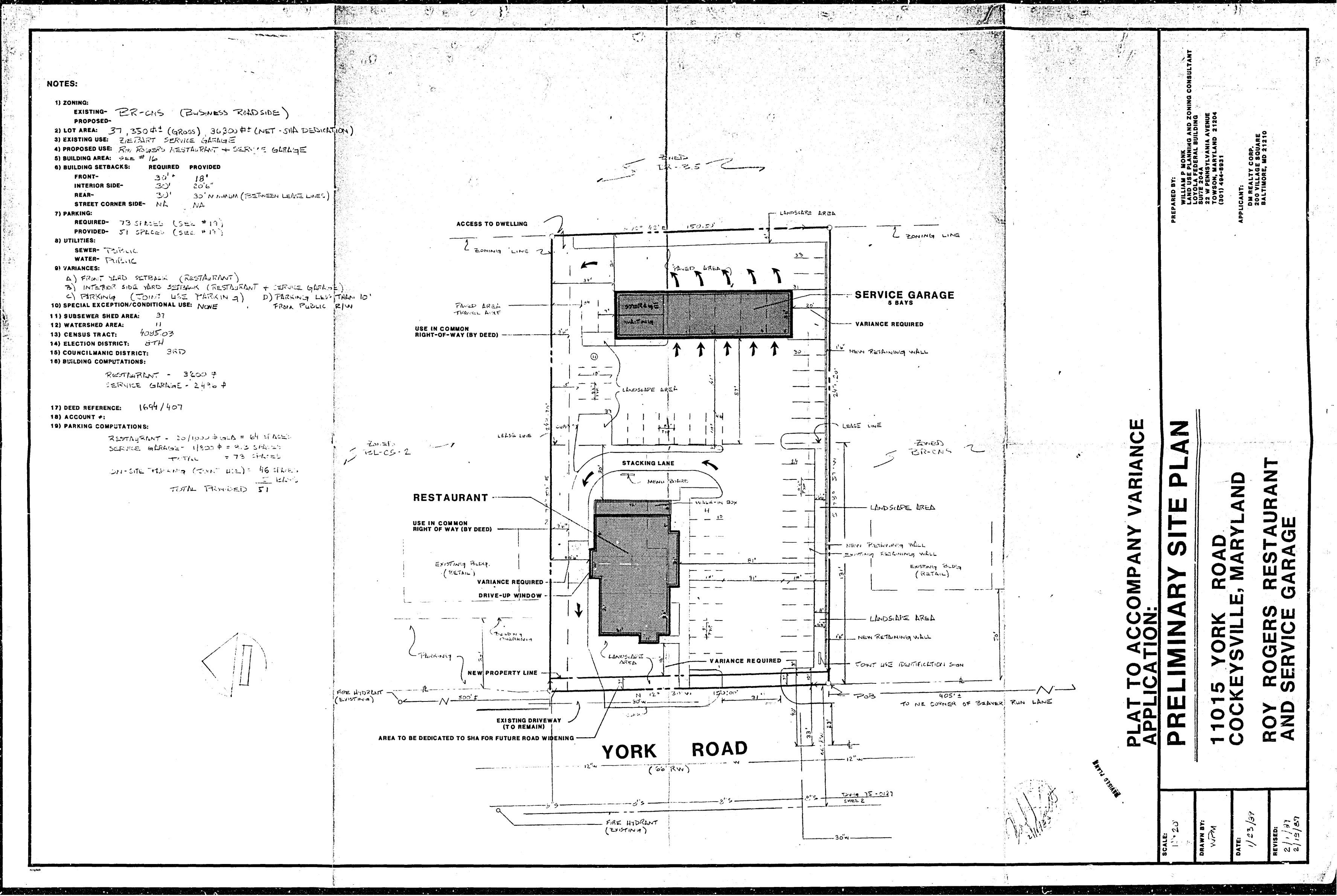
Re: 11015 York Road Cockeysville, Maryland

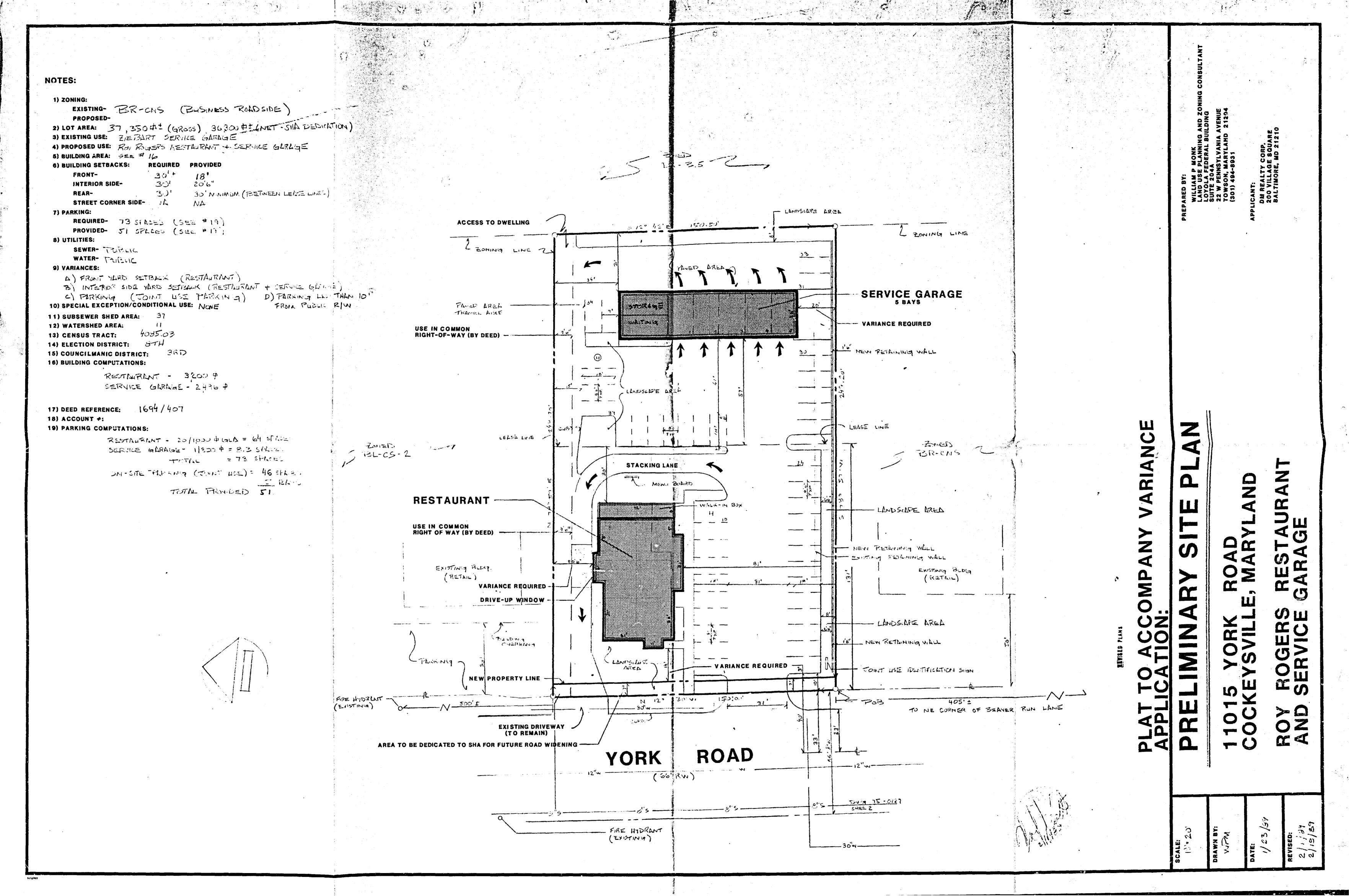
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STATE OF MARYLAND, BALTIMORE

I HEREBY CERTIFY, that on this 27th day of January, 1989, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore, aforesaid, personally appeared Vernon H. Wiesand the above named grantor and he acknowledged the aforegoing to be his act.

AS WITNESS MY HAND AND NOTARIAL SEAL.





BALTIMORE COUNTY, MARYL

## INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

1.26

DATE: 4/26/39

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-418-A \*\*
Item No. 327

Re: Vernon H. Wiesand

The Petitioner requests variances to permit side yard setbacks less than those required, a front yard setback less than the required average and parking variance to allow 52 spaces in lieu of the required 73 spaces. In reference to this request, staff offers the following comment:

This office has no comment on the requested variance. However, the site layout show be adjusted to provide for landscaping in the shaded areas show on the attached plan.

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